

**EIGHTY-SEVENTH GENERAL ASSEMBLY
2018 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

March 14, 2018

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
<u>HF 2378</u>	<u>H-8260</u>	Filed	BACON of Story
<u>HF 2458</u>	<u>H-8259</u>	Filed	BEST of Carroll
<u>HF 2469</u>	<u>H-8261</u>	Filed	STECKMAN of Cerro Gordo
<u>SF 220</u>	<u>H-8257</u>	Filed	HINSON of Linn
<u>SF 220</u>	<u>H-8258</u>	Filed	HINSON of Linn

Fiscal Notes

[HF 2401](#) — [Sexual Offenses](#) (LSB5309HV)

HOUSE FILE 2378

H-8260

1 Amend House File 2378 as follows:

2 1. Page 1, by striking lines 5 and 6 and inserting <States;
3 and any political subdivision of another state. For purposes
4 of this chapter only, "public agency" also includes any
5 federally recognized Indian tribe.>

6 2. Title page, line 1, after <to> by inserting <the>

7 3. Title page, line 1, by striking <for> and inserting <by>

By BACON of Story

H-8260 FILED MARCH 13, 2018

HOUSE FILE 2458

H-8259

- 1 Amend the amendment, H-8253, to House File 2458 as follows:
- 2 1. Page 1, after line 3 by inserting:
- 3 <____. Page 3, line 29, after <Iowa> by inserting <, and the
- 4 remainder of the applicant's apprentices shall be residents of
- 5 states contiguous to Iowa>>
- 6 2. Page 1, line 25, after <used> by inserting <in that
- 7 community college region>
- 8 3. Page 2, by striking lines 23 through 27 and inserting:
- 9 <____. Page 19, by striking line 27 and inserting <up to the
- 10 full amount of grant payments made during that semester, or the
- 11 equivalent, shall>
- 12 _____. Page 20, by striking lines 11 and 12 and inserting
- 13 <awarding eligible students approved for grants based on the
- 14 date of application, rather than prorating grant awards among
- 15 all eligible students.>>
- 16 4. By renumbering as necessary.

By BEST of Carroll

H-8259 FILED MARCH 13, 2018

HOUSE FILE 2469

H-8261

- 1 Amend the amendment, H-8251, to House File 2469 as follows:
- 2 1. Page 1, line 5, after <prohibited> by inserting <and
- 3 payment of sexual harassment judgments>
- 4 2. Page 1, before line 28 by inserting:
- 5 <2. Any judgment awarded to a victim as a result of sexual
- 6 harassment by a statewide elected official or member of the
- 7 general assembly, or the partisan staff of such a person, shall
- 8 be paid by the state of Iowa. The state of Iowa shall seek
- 9 reimbursement by such a person's candidate committee or the
- 10 candidate committee of the party of the partisan staff for any
- 11 such judgment paid. The state of Iowa shall seek reimbursement
- 12 by the relevant candidate committee for any such judgment paid
- 13 prior to the effective date of this Act.>
- 14 3. Page 1, by striking line 28 and inserting:
- 15 <3. A person who willfully violates this section shall be>
- 16 4. Page 1, by striking line 31 and inserting <as defined in
- 17 section 8.2 used to fund the activity found>
- 18 5. Page 2, before line 10 by inserting:
- 19 <Sec. _____. RETROACTIVE APPLICABILITY. This Act applies
- 20 retroactively to all judgments awarded to a victim as a result
- 21 of sexual harassment by a statewide elected official or member
- 22 of the general assembly, or the partisan staff of such a
- 23 person.>>
- 24 6. Page 2, by striking lines 11 through 13 and inserting <An
- 25 Act prohibiting self-promotion with taxpayer funds by statewide
- 26 elected officials and members of the general assembly,
- 27 requiring payment of certain sexual harassment judgments by
- 28 candidate committees, including retroactive applicability
- 29 provisions, and imposing penalties.>>
- 30 7. By renumbering as necessary.

By STECKMAN of Cerro Gordo

H-8261 FILED MARCH 13, 2018

SENATE FILE 220

H-8257

1 Amend Senate File 220, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <Section 1. Section 321.1, Code 2018, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 06B. "*Automated traffic law enforcement*
8 *system*" means a device used for the enforcement of laws
9 regulating vehicular traffic and equipped with one or more
10 sensors working in conjunction with one of the following:
11 a. An official traffic-control signal, to produce recorded
12 images of motor vehicles entering an intersection against a red
13 signal light.

14 b. A speed measuring device, to produce recorded images of
15 motor vehicles traveling at a prohibited rate of speed.

16 c. A railroad grade crossing signal light, as described in
17 section 321.342, to produce recorded images of motor vehicles
18 violating the signal light.

19 d. Any official traffic-control device, if failure to comply
20 with the official traffic-control device constitutes a moving
21 violation under this chapter.

22 Sec. 2. NEW SECTION. 321.492C **Automated traffic law**
23 **enforcement systems.**

24 1. The department shall not place, operate, maintain,
25 or employ the use of any automated traffic law enforcement
26 system. The department shall not cause to be placed any
27 automated traffic law enforcement system except as provided in
28 this section or in rules adopted by the department under this
29 section.

30 2. a. A local authority, or another entity on a local
31 authority's behalf, shall not operate an automated traffic law
32 enforcement system without approving the use of the system
33 following an established self-certification process. The
34 self-certification process shall include a justification report
35 meeting the requirements of paragraph "b", which shall be

1 made readily available for the public to review, and a public
2 hearing at which the local authority shall provide evidence
3 of a demonstrated safety need for the automated traffic law
4 enforcement system. Notice of the date, time, and place of
5 the hearing shall be published in the manner described in
6 section 362.3. A public hearing may address several locations
7 at which a local authority intends to place an automated
8 traffic law enforcement system. However, a local authority
9 shall adopt an ordinance approving the use of an automated
10 traffic law enforcement system for each location at which the
11 local authority operates a fixed or mobile automated traffic
12 law enforcement system. A local authority may approve the
13 operation of an automated traffic law enforcement system
14 only if the system is located in a documented high-crash or
15 high-risk location at which there is a demonstrated safety
16 need for the system. The local authority shall demonstrate
17 the safety need for the system based on the volume of traffic,
18 the history of motor vehicle accidents, the frequency and type
19 of traffic violations, the risk to peace officers employing
20 traditional traffic enforcement methods, any additional
21 information required in the justification report, and any other
22 safety criteria deemed appropriate by the local authority.
23 These requirements shall apply for each location at which a
24 local authority, or another entity on a local authority's
25 behalf, operates a fixed or mobile automated traffic law
26 enforcement system. However, any area located within a road
27 work zone or school district, as those terms are defined in
28 section 321.1, shall be presumed to be a high-risk location at
29 which there is a demonstrated safety need for a system.

30 *b.* A justification report shall provide all necessary
31 information and documentation to demonstrate whether an area is
32 a high-crash or high-risk location and shall include but not be
33 limited to documentation regarding all the following:

34 (1) Existing traffic speeds, posted speed limits,
35 traffic volumes, and intersection or roadway geometry. Such

1 documentation shall provide assurance that existing speed
2 limits and official traffic-control signal timings are
3 appropriate and shall describe how the limits and timings were
4 established.

5 (2) The applicable motor vehicle accident history, the
6 primary accident types, accident causes, accident severity, and
7 the history of any related traffic violations. Only accidents
8 attributable to violating the speed limit or an official
9 traffic-control signal shall be included in this report. Such
10 documentation shall compare accident data with data from other
11 similar locations within the local authority's jurisdiction,
12 other similar jurisdictions, and larger metropolitan areas.

13 (3) The identification of critical traffic safety issues
14 related to the data required by subparagraphs (1) and (2),
15 including a comprehensive list of solutions that may address
16 the critical traffic safety issues.

17 (4) Solutions or safety countermeasures that the local
18 authority has implemented along with those that the local
19 authority has considered but not implemented. These may
20 include solutions relating to law enforcement, engineering,
21 public education campaigns, or other safety countermeasures.

22 (5) Discussions held and actions taken by the local
23 authority with any partnering entities that have resources
24 which could aid in the reduction of accidents attributable
25 to violating the speed limit or an official traffic-control
26 signal.

27 (6) The reason or reasons the local authority believes an
28 automated traffic law enforcement system is the best solution
29 to address the critical traffic safety issues.

30 c. A local authority, or another entity on a local
31 authority's behalf, shall not operate an automated traffic law
32 enforcement system without posting signage meeting all of the
33 following requirements:

34 (1) For a fixed automated traffic law enforcement system,
35 permanent signs advising drivers that the system is in place

1 shall be posted in clear and present view of passing drivers in
2 advance of the location where the system is in use.

3 (2) For a mobile automated traffic law enforcement system,
4 temporary or permanent signs advising drivers that the system
5 is in place shall be posted in clear and present view of
6 passing drivers in advance of the location where the system is
7 in use.

8 (3) The signage conforms to the manual on uniform
9 traffic-control devices as adopted by the department.

10 d. A local authority, or another entity on a local
11 authority's behalf, shall not issue a citation resulting from
12 the use of an automated traffic law enforcement system until
13 an active peace officer of the local authority has reviewed
14 the citation and any relevant recorded images produced by the
15 system.

16 e. The amount of the fine or civil penalty imposed by a
17 citation resulting from the use of an automated traffic law
18 enforcement system shall not exceed the amount of the fine for
19 a scheduled violation under section 805.8A for the same or a
20 similar violation of this chapter.

21 f. An automated traffic law enforcement system working
22 in conjunction with a speed measuring device or official
23 traffic-control signal shall comply with the generally accepted
24 procedures for operating the system. An automated traffic law
25 enforcement system shall verify its internal calibrations on a
26 daily basis. If the daily internal calibration is not valid,
27 the system shall not operate until a successful calibration
28 is subsequently conducted. In addition to the daily internal
29 calibration, a monthly calibration shall be conducted by a
30 person trained in the calibration of the system. A person
31 trained in the calibration of a mobile automated traffic law
32 enforcement system shall also conduct a calibration prior to
33 the use of the mobile system after any change in location.
34 A local authority, or another entity on a local authority's
35 behalf, operating an automated traffic law enforcement

1 system shall maintain a monthly log detailing whether the
2 local authority or entity successfully performed the daily
3 and monthly calibrations. The log and documentation of the
4 calibrations shall be admissible in any court proceeding
5 relating to an official traffic-control signal violation
6 pursuant to section 321.257 or a speed limit violation pursuant
7 to section 321.285.

8 *g.* A local authority shall maintain or compile records
9 relating to the number of traffic violations and number
10 of traffic accidents for all locations at which the local
11 authority, or another entity on a local authority's behalf,
12 operates or intends to operate an automated traffic law
13 enforcement system. Such records shall be maintained or
14 compiled by the local authority for one year prior to the
15 installation of the automated traffic law enforcement system
16 and for each year the automated traffic law enforcement
17 system is in operation. Such records shall be available for
18 examination to the same extent allowed in section 22.2. A
19 local authority with an automated traffic law enforcement
20 system operating within its jurisdiction shall file an annual
21 report with the general assembly on or before December 31 of
22 each year detailing the effectiveness of each automated traffic
23 law enforcement system operating within its jurisdiction. An
24 annual report shall include the justification report described
25 in paragraph "b" and shall also include but not be limited to
26 information relating to increases or decreases in the number of
27 speed limit violations, violations of official traffic-control
28 signals, and traffic accidents.

29 *h.* Prior to a local authority placing an automated traffic
30 law enforcement system on a primary road, the local authority
31 shall obtain approval from the department in accordance
32 with rules adopted by the department. A local authority
33 shall submit to the department any information requested by
34 the department during the approval process. If the local
35 authority's use of the system is approved by the department,

1 the local authority shall follow the requirements set forth
2 in rules adopted by the department. The department may
3 modify its rules relating to automated traffic law enforcement
4 systems to the extent necessary to ensure automated traffic
5 law enforcement systems are operated in a safe and equitable
6 manner. This paragraph "h" shall not apply to an automated
7 traffic law enforcement system approved or allowed to operate
8 in accordance with rules adopted by the department and in
9 operation prior to January 1, 2017. A local authority may
10 continue to operate such a system in the same manner as the
11 system was operated prior to January 1, 2017. However, after a
12 local authority discontinues operation of such a system, any
13 new manner of operation or new system operated by the local
14 authority shall comply with this paragraph "h". The department
15 shall have the authority to annually review all automated
16 traffic law enforcement systems placed on primary roads and
17 shall have the authority to require removal or modification of
18 such systems.

19 *i.* A local authority shall designate a process by which
20 a person may appeal a citation issued through the use of an
21 automated traffic law enforcement system, which at a minimum
22 shall provide for all of the following:

23 (1) An appeal to an impartial body created by the local
24 authority to review citations issued through the use of
25 automated traffic law enforcement systems.

26 (2) Following a decision from the impartial body that is
27 adverse to the person, an appeal to the district court, sitting
28 in small claims, of the county in which the local authority is
29 located.

30 *j.* (1) A local authority shall authorize a petition process
31 by which citizens within the local authority may petition for
32 the removal of a fixed automated traffic law enforcement system
33 or the disapproval of a location approved for the use of mobile
34 automated traffic law enforcement systems in accordance with
35 this section. Petitions under this paragraph "j" shall be

1 specific to one fixed system or one location approved for the
2 use of mobile systems.

3 (2) If the local authority is a city, a petition brought
4 under this paragraph "j" is valid if it is signed by a number
5 of eligible electors of the city equal to or greater than ten
6 percent of the number of persons who voted in the last regular
7 city election. The petition shall include the signatures of
8 the petitioners, the places of residence of the petitioners,
9 and the date on which the petitioners signed the petition.

10 (3) If the local authority is a county, a petition brought
11 under this paragraph "j" is valid if it is signed by a number
12 of eligible electors of the county equal to or greater than
13 ten percent of the number of votes cast in the county in the
14 last presidential election. The petition shall include the
15 signatures of the petitioners, the places of residence of the
16 petitioners, and the date on which the petitioners signed the
17 petition.

18 (4) If a petition is valid as provided in this paragraph
19 "j", the city council or county board of supervisors, as
20 applicable, shall vote on whether to repeal the ordinance
21 allowing the operation of the fixed system or approving the
22 location for the use of mobile systems.

23 (5) If a city council or county board of supervisors has
24 voted pursuant to subparagraph (4), a new petition for the same
25 fixed system or the same location approved for use of mobile
26 systems shall not be valid for three years after the date of
27 the vote.

28 k. A local authority that operates an automated traffic
29 law enforcement system in violation of this section shall be
30 precluded from operating any automated traffic law enforcement
31 system for a period of two years. A citizen residing within
32 the jurisdiction of a local authority which violates this
33 section shall be allowed to file suit to enjoin the local
34 authority from operating an automated traffic law enforcement
35 system in accordance with this paragraph "k".

H-8257 (Continued)

1 3. All moneys collected by a local authority from citations
2 issued as a result of the use of an automated traffic law
3 enforcement system, less the amount necessary for the
4 installation, operation, and maintenance of the automated
5 traffic law enforcement system, shall be deposited in the
6 account or accounts maintained by the local authority for
7 moneys appropriated to the local authority from the secondary
8 road fund or street construction fund of the cities, or shall
9 be deposited in any account and used for the purposes of public
10 safety. This subsection shall not apply to moneys collected
11 for court costs or other associated costs, the criminal penalty
12 surcharge required by section 911.1, or the county enforcement
13 surcharge required by section 911.4, as applicable.>

14 2. Title page, line 2, by striking <and providing a penalty>
15 and inserting <including systems in road work zones and school
16 districts, and providing penalties>

By HINSON of Linn

H-8257 FILED MARCH 13, 2018

SENATE FILE 220

H-8258

1 Amend the amendment, H-1267, to Senate File 220, as amended,
2 passed, and reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2, line 2, and
4 inserting:

5 <Amend Senate File 220, as amended, passed, and reprinted by
6 the Senate, as follows:

7 1. By striking everything after the enacting clause and
8 inserting:

9 <Section 1. Section 321.1, Code 2018, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 06B. "*Automated traffic law enforcement*
12 *system*" means a device used for the enforcement of laws
13 regulating vehicular traffic and equipped with one or more
14 sensors working in conjunction with one of the following:

15 a. An official traffic-control signal, to produce recorded
16 images of motor vehicles entering an intersection against a red
17 signal light.

18 b. A speed measuring device, to produce recorded images of
19 motor vehicles traveling at a prohibited rate of speed.

20 c. A railroad grade crossing signal light, as described in
21 section 321.342, to produce recorded images of motor vehicles
22 violating the signal light.

23 d. Any official traffic-control device, if failure to comply
24 with the official traffic-control device constitutes a moving
25 violation under this chapter.

26 Sec. 2. NEW SECTION. 321.492C Automated traffic law
27 enforcement systems.

28 1. The department shall not place, operate, maintain,
29 or employ the use of any automated traffic law enforcement
30 system. The department shall not cause to be placed any
31 automated traffic law enforcement system except as provided in
32 this section or in rules adopted by the department under this
33 section.

34 2. a. A local authority, or another entity on a local
35 authority's behalf, shall not operate an automated traffic law

1 enforcement system without approving the use of the system
2 following an established self-certification process. The
3 self-certification process shall include a justification report
4 meeting the requirements of paragraph "b", which shall be
5 made readily available for the public to review, and a public
6 hearing at which the local authority shall provide evidence
7 of a demonstrated safety need for the automated traffic law
8 enforcement system. Notice of the date, time, and place of
9 the hearing shall be published in the manner described in
10 section 362.3. A public hearing may address several locations
11 at which a local authority intends to place an automated
12 traffic law enforcement system. However, a local authority
13 shall adopt an ordinance approving the use of an automated
14 traffic law enforcement system for each location at which the
15 local authority operates a fixed or mobile automated traffic
16 law enforcement system. A local authority may approve the
17 operation of an automated traffic law enforcement system
18 only if the system is located in a documented high-crash or
19 high-risk location at which there is a demonstrated safety
20 need for the system. The local authority shall demonstrate
21 the safety need for the system based on the volume of traffic,
22 the history of motor vehicle accidents, the frequency and type
23 of traffic violations, the risk to peace officers employing
24 traditional traffic enforcement methods, any additional
25 information required in the justification report, and any other
26 safety criteria deemed appropriate by the local authority.
27 These requirements shall apply for each location at which a
28 local authority, or another entity on a local authority's
29 behalf, operates a fixed or mobile automated traffic law
30 enforcement system. However, any area located within a road
31 work zone or school district, as those terms are defined in
32 section 321.1, shall be presumed to be a high-risk location at
33 which there is a demonstrated safety need for a system.
34 b. A justification report shall provide all necessary
35 information and documentation to demonstrate whether an area is

1 a high-crash or high-risk location and shall include but not be
2 limited to documentation regarding all the following:

3 (1) Existing traffic speeds, posted speed limits,
4 traffic volumes, and intersection or roadway geometry. Such
5 documentation shall provide assurance that existing speed
6 limits and official traffic-control signal timings are
7 appropriate and shall describe how the limits and timings were
8 established.

9 (2) The applicable motor vehicle accident history, the
10 primary accident types, accident causes, accident severity, and
11 the history of any related traffic violations. Only accidents
12 attributable to violating the speed limit or an official
13 traffic-control signal shall be included in this report. Such
14 documentation shall compare accident data with data from other
15 similar locations within the local authority's jurisdiction,
16 other similar jurisdictions, and larger metropolitan areas.

17 (3) The identification of critical traffic safety issues
18 related to the data required by subparagraphs (1) and (2),
19 including a comprehensive list of solutions that may address
20 the critical traffic safety issues.

21 (4) Solutions or safety countermeasures that the local
22 authority has implemented along with those that the local
23 authority has considered but not implemented. These may
24 include solutions relating to law enforcement, engineering,
25 public education campaigns, or other safety countermeasures.

26 (5) Discussions held and actions taken by the local
27 authority with any partnering entities that have resources
28 which could aid in the reduction of accidents attributable
29 to violating the speed limit or an official traffic-control
30 signal.

31 (6) The reason or reasons the local authority believes an
32 automated traffic law enforcement system is the best solution
33 to address the critical traffic safety issues.

34 c. A local authority, or another entity on a local
35 authority's behalf, shall not operate an automated traffic law

1 enforcement system without posting signage meeting all of the
2 following requirements:

3 (1) For a fixed automated traffic law enforcement system,
4 permanent signs advising drivers that the system is in place
5 shall be posted in clear and present view of passing drivers in
6 advance of the location where the system is in use.

7 (2) For a mobile automated traffic law enforcement system,
8 temporary or permanent signs advising drivers that the system
9 is in place shall be posted in clear and present view of
10 passing drivers in advance of the location where the system is
11 in use.

12 (3) The signage conforms to the manual on uniform
13 traffic-control devices as adopted by the department.

14 d. A local authority, or another entity on a local
15 authority's behalf, shall not issue a citation resulting from
16 the use of an automated traffic law enforcement system until
17 an active peace officer of the local authority has reviewed
18 the citation and any relevant recorded images produced by the
19 system.

20 e. The amount of the fine or civil penalty imposed by a
21 citation resulting from the use of an automated traffic law
22 enforcement system shall not exceed the amount of the fine for
23 a scheduled violation under section 805.8A for the same or a
24 similar violation of this chapter.

25 f. An automated traffic law enforcement system working
26 in conjunction with a speed measuring device or official
27 traffic-control signal shall comply with the generally accepted
28 procedures for operating the system. An automated traffic law
29 enforcement system shall verify its internal calibrations on a
30 daily basis. If the daily internal calibration is not valid,
31 the system shall not operate until a successful calibration
32 is subsequently conducted. In addition to the daily internal
33 calibration, a monthly calibration shall be conducted by a
34 person trained in the calibration of the system. A person
35 trained in the calibration of a mobile automated traffic law

1 enforcement system shall also conduct a calibration prior to
2 the use of the mobile system after any change in location.
3 A local authority, or another entity on a local authority's
4 behalf, operating an automated traffic law enforcement
5 system shall maintain a monthly log detailing whether the
6 local authority or entity successfully performed the daily
7 and monthly calibrations. The log and documentation of the
8 calibrations shall be admissible in any court proceeding
9 relating to an official traffic-control signal violation
10 pursuant to section 321.257 or a speed limit violation pursuant
11 to section 321.285.

12 *g.* A local authority shall maintain or compile records
13 relating to the number of traffic violations and number
14 of traffic accidents for all locations at which the local
15 authority, or another entity on a local authority's behalf,
16 operates or intends to operate an automated traffic law
17 enforcement system. Such records shall be maintained or
18 compiled by the local authority for one year prior to the
19 installation of the automated traffic law enforcement system
20 and for each year the automated traffic law enforcement
21 system is in operation. Such records shall be available for
22 examination to the same extent allowed in section 22.2. A
23 local authority with an automated traffic law enforcement
24 system operating within its jurisdiction shall file an annual
25 report with the general assembly on or before December 31 of
26 each year detailing the effectiveness of each automated traffic
27 law enforcement system operating within its jurisdiction. An
28 annual report shall include the justification report described
29 in paragraph "b" and shall also include but not be limited to
30 information relating to increases or decreases in the number of
31 speed limit violations, violations of official traffic-control
32 signals, and traffic accidents.

33 *h.* Prior to a local authority placing an automated traffic
34 law enforcement system on a primary road, the local authority
35 shall obtain approval from the department in accordance

1 with rules adopted by the department. A local authority
2 shall submit to the department any information requested by
3 the department during the approval process. If the local
4 authority's use of the system is approved by the department,
5 the local authority shall follow the requirements set forth
6 in rules adopted by the department. The department may
7 modify its rules relating to automated traffic law enforcement
8 systems to the extent necessary to ensure automated traffic
9 law enforcement systems are operated in a safe and equitable
10 manner. This paragraph "h" shall not apply to an automated
11 traffic law enforcement system approved or allowed to operate
12 in accordance with rules adopted by the department and in
13 operation prior to January 1, 2017. A local authority may
14 continue to operate such a system in the same manner as the
15 system was operated prior to January 1, 2017. However, after a
16 local authority discontinues operation of such a system, any
17 new manner of operation or new system operated by the local
18 authority shall comply with this paragraph "h". The department
19 shall have the authority to annually review all automated
20 traffic law enforcement systems placed on primary roads and
21 shall have the authority to require removal or modification of
22 such systems.

23 *i.* A local authority shall designate a process by which
24 a person may appeal a citation issued through the use of an
25 automated traffic law enforcement system, which at a minimum
26 shall provide for all of the following:

27 (1) An appeal to an impartial body created by the local
28 authority to review citations issued through the use of
29 automated traffic law enforcement systems.

30 (2) Following a decision from the impartial body that is
31 adverse to the person, an appeal to the district court, sitting
32 in small claims, of the county in which the local authority is
33 located.

34 *j.* (1) A local authority shall authorize a petition process
35 by which citizens within the local authority may petition for

1 the removal of a fixed automated traffic law enforcement system
2 or the disapproval of a location approved for the use of mobile
3 automated traffic law enforcement systems in accordance with
4 this section. Petitions under this paragraph "j" shall be
5 specific to one fixed system or one location approved for the
6 use of mobile systems.

7 (2) If the local authority is a city, a petition brought
8 under this paragraph "j" is valid if it is signed by a number
9 of eligible electors of the city equal to or greater than ten
10 percent of the number of persons who voted in the last regular
11 city election. The petition shall include the signatures of
12 the petitioners, the places of residence of the petitioners,
13 and the date on which the petitioners signed the petition.

14 (3) If the local authority is a county, a petition brought
15 under this paragraph "j" is valid if it is signed by a number
16 of eligible electors of the county equal to or greater than
17 ten percent of the number of votes cast in the county in the
18 last presidential election. The petition shall include the
19 signatures of the petitioners, the places of residence of the
20 petitioners, and the date on which the petitioners signed the
21 petition.

22 (4) If a petition is valid as provided in this paragraph
23 "j", the city council or county board of supervisors, as
24 applicable, shall vote on whether to repeal the ordinance
25 allowing the operation of the fixed system or approving the
26 location for the use of mobile systems.

27 (5) If a city council or county board of supervisors has
28 voted pursuant to subparagraph (4), a new petition for the same
29 fixed system or the same location approved for use of mobile
30 systems shall not be valid for three years after the date of
31 the vote.

32 k. A local authority that operates an automated traffic
33 law enforcement system in violation of this section shall be
34 precluded from operating any automated traffic law enforcement
35 system for a period of two years. A citizen residing within

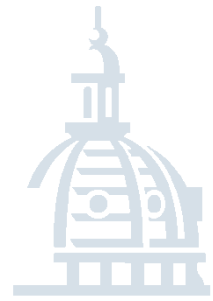
1 the jurisdiction of a local authority which violates this
2 section shall be allowed to file suit to enjoin the local
3 authority from operating an automated traffic law enforcement
4 system in accordance with this paragraph "k".

5 3. All moneys collected by a local authority from citations
6 issued as a result of the use of an automated traffic law
7 enforcement system, less the amount necessary for the
8 installation, operation, and maintenance of the automated
9 traffic law enforcement system, shall be deposited in the
10 account or accounts maintained by the local authority for
11 moneys appropriated to the local authority from the secondary
12 road fund or street construction fund of the cities, or shall
13 be deposited in any account and used for the purposes of public
14 safety. This subsection shall not apply to moneys collected
15 for court costs or other associated costs, the criminal penalty
16 surcharge required by section 911.1, or the county enforcement
17 surcharge required by section 911.4, as applicable.>>

18 2. By renumbering as necessary.

By HINSON of Linn

H-8258 FILED MARCH 13, 2018



HF 2401 – Sexual Offenses (LSB5309HV)

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Fiscal Note Version – As Amended and Passed by the House

Description — All Divisions

House File 2401 makes a variety of changes to child abuse and sex offender laws. Of the six divisions in the Bill, two will have a fiscal impact and four are expected to have little or no fiscal impact.

- Fiscal Impact: Divisions I, VI
- Little or no fiscal impact: Divisions II, III, IV, V

DIVISION I: Sexually Violent Predators — Accumulation of Earned Time

Description

Division I relates to sexually violent predators and the accumulation of earned time by offenders, and provides penalties. The Division makes various changes to provisions relating to the release of sexually violent predators under Iowa Code chapter [229A](#).

Division I specifies that an inmate committed to the Department of Corrections (DOC) who is required to participate in a sex offender or domestic abuse treatment program shall not be eligible for any reduction of sentence until the inmate participates in and completes a sex offender or domestic abuse treatment program. The Division specifies that an inmate committed to the DOC may be ordered to forfeit any or all earned time if the inmate has failed to complete a sex offender or domestic abuse treatment program as specified in Iowa Code section [903A.2](#).

Background

Under Iowa Code section [903A.2\(1\)\(a\)\(2\)](#), an inmate required to participate in a sex offender treatment program (SOTP) shall not be eligible for a reduction of sentence unless the inmate participates in and completes an SOTP. Failure to complete treatment includes refusal to attend or removal by corrections officers. Prior to 2016, the DOC policy interpreted this language to mean that an inmate could no longer accrue any earned time after refusing to attend the DOC's SOTP, but would not lose any previously accrued earned time. In January 2016, the DOC revised its policy to also include the forfeiture of previously accrued earned time. In 2017, the Iowa Supreme Court ruled in [State v. Iowa District Court for Jones County](#) that the DOC policy prior to 2016 applied and that the DOC could not lawfully forfeit an offender's earned time accrued prior to the offender's refusal of or removal from the SOTP.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- In FY 2017, 33 offenders were unsuccessful in the Domestic Abuse Treatment Program. It is assumed that 33 offenders will be unsuccessful in the program annually.
- In FY 2017, 43 offenders were unsuccessful in the SOTP. It is assumed that 43 offenders will be unsuccessful in the program annually.
- The maximum sentence imposed on average would add six years after loss of earned time for those unsuccessful in the SOTP and seven years for those unsuccessful in the Domestic Abuse Treatment Program.
- The annual marginal cost of prison per day is equal to the daily marginal cost multiplied by 365 days ($\$17.52 \times 365 = \$6,394.80$).

Correctional Impact

No additional persons will be convicted because of the provisions in this Division. The impact will occur because the length of stay for offenders who were unsuccessful in the treatment programs will increase due to loss of earned time. This impact will begin in FY 2019 and continue to increase until FY 2024. The additional costs are outlined in the Fiscal Impact section of this Fiscal Note. The Bill is expected to increase the prison population due to the increased length of stay after forfeiture of earned time.

Table 1 — [HF 2401](#) Estimated Prison Population Changes

	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
SOTP	43	86	129	172	215	215
Domestic Abuse Treatment	33	66	99	132	165	198
Total Additional Population	76	152	228	304	380	413

*On average, offenders stay an additional 6 years for SOTP and 7 years for Domestic Abuse Treatment.

Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

Minority Impact

Of the current active offenders, three of the six offenders unsuccessful in the Domestic Abuse Treatment Program and four of the 22 offenders unsuccessful in the SOTP are African-American. This division is not estimated to have a minority impact. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

Fiscal Impact

[House File 2401](#) will have a fiscal impact on the operating budget of the DOC due to the increased length of stay for offenders who are unsuccessful in the SOTP or the Domestic Abuse Treatment Program. It is estimated there will be 43 unsuccessful participants in the SOTP and 33 unsuccessful participants in the Domestic Abuse Treatment Program annually. The marginal

costs are estimated to increase until FY 2024, when the prison population is no longer expected to further increase as a result of the Bill.

Table 2 — [HF 2401](#) Additional Prison Costs Per Year

	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Additional Population	76	152	228	304	380	413
Annual Marginal Cost Per Inmate	\$ 6,395	\$ 6,395	\$ 6,395	\$ 6,395	\$ 6,395	\$ 6,395
Total Additional Cost Per Year	\$ 486,000	\$ 972,000	\$1,458,000	\$1,944,000	\$2,430,000	\$2,641,000

*Totals may not sum due to rounding of marginal cost.

DIVISION II: Child Abuse — Sexual Offenses and Sex Offenders

Description

Division II amends the definition of child abuse in Iowa Code section [232.68](#) in the following ways:

- Modifies the criteria for “commission of a sexual offense” to establish that the offense only applies to a person who is 14 years old or older. Under current law, the offense applies regardless of age.
- Modifies the criteria for “allowing access to a registered sex offender” to establish that the offense applies to a person responsible for the care of a child who knowingly allows a person who is required to register on the sex offender registry access to the child, and provides some exceptions.

Assumptions

- According to the Department of Human Services (DHS), there were 263 assessments in FY 2017 accepted under commission of a sexual offense where the alleged perpetrator was less than 12 years old. This represents 0.9% of accepted child abuse assessments. There were 571 cases where the perpetrator was 18 years old and younger.
- An unknown number of these cases may still be accepted for referral under the criteria for caretaker status or a different criterion of child abuse.
- The exact status of caseloads of Social Worker III classification cannot be determined. Actual caseloads vary from county to county, and some are reported much higher than the statewide average.
- Expenditures in the child welfare system have a State match of 89.0% with federal funds.
- Programming changes will need to be made to the Child Welfare Information System (CWIS) for the modified criteria in the Division.

Fiscal Impact

This Division may have a positive impact on the DHS Field Operations operating budget. Fewer commissions of sexual offense referral cases will lead to decreased caseloads for Social Worker III employees. Due to the unknown nature of net referral changes and the variability of caseloads across the State, the total savings is unknown.

Changes to programming for the CWIS are estimated to be minimal and will be absorbed in the DHS General Administration appropriation.

DIVISION III: Sexual Offenders and Predators — Registration and Child Endangerment

Description

Division III of this Bill relates to the criminal offense of child endangerment. This Division would modify Iowa Code section [726.6\(h\)](#) so that child endangerment is committed only if the sex offender defined below is required to register or is on the sex offender registry because of a sex offense committed against a minor. The Division also adds a new section stating that a person who has had to register or is on the sex offender registry because of a sex offense committed against a minor commits child endangerment if the sex offender knowingly takes custody or control of a child or minor, or knowingly has unsupervised access to a child or minor. This would not apply if the sex offender is a parent or guardian of the child or minor nor is a spouse of the parent, guardian, or person having custody or control of the child or minor.

Background

The Sex Offender Registry was created in Iowa Code chapter [692A](#) during the 1995 Legislative Session. Residency restrictions were added in 2002, and the registry law was amended in 2005 and 2009. Any person convicted of a sex offense in Iowa, or required to register in another jurisdiction under that sex offender registry, is required to register in this State if the offender resides, is employed, or attends school in this State. A juvenile convicted of a sex offense is required to register as a sex offender unless the juvenile court waives that requirement. Each offender is classified as either a tier I, tier II, or tier III offender. Tiers contain sex offenses in ascending order of severity, with tier III being the most serious. The tier classification determines the frequency of the verification of relevant information at the county sheriff's office and determines when an offender is eligible to apply for a modification of registration requirements. The classification system does not affect the duration of the registration requirement.

Currently under Iowa Code section [726.6](#), a parent, guardian, or person having custody or control over a child or a minor under the age of 18 with a mental or physical disability, or a person who is a member of the household where a child or such a minor resides, commits child endangerment when that person knowingly allows a person who is required to register or is on the sex offender registry custody or control of, or unsupervised access to, a child or minor. The charge of child endangerment does not apply if the sex offender is a parent or guardian of the child or minor nor is a spouse of the parent, guardian, or person having custody or control of the child or minor.

A conviction of child endangerment can range from an aggravated misdemeanor to a Class B felony, depending on the circumstances of the case. **Table 3** shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for offenders convicted of Class B, Class C, Class D, and aggravated misdemeanor child endangerment.

Table 3 — Sentencing Estimates

	Percent to Prison	Avg. LOS Prison (months)	FY 17 Marginal Cost/Day Prison	Avg. LOS Parole (months)	Percent to Probation	Avg. LOS Probation (months)	FY 17 Avg Cost/Day Parole & Probation	Percent to CBC	FY 17 Marginal Cost/Day CBC	Percent to County Jail	Avg. LOS County Jail (days)	Marginal Cost/Day Jail
Class B Felony Persons	93.0%	90.2	\$17.52	33.3	9.0%	34.9	\$4.93	4.0%	\$10.56	44.0%	N/A	\$50.00
Class C Felony Persons	85.0%	38.9	\$17.52	20.1	29.0%	36.7	\$4.93	4.0%	\$10.56	34.0%	N/A	\$50.00
Class D Felony Persons	77.0%	15.4	\$17.52	10.9	51.0%	29.7	\$4.93	8.0%	\$10.56	25.0%	N/A	\$50.00
Aggravated Misd. Persons	47.0%	9	\$17.52	4.9	70.0%	19.3	\$4.93	4.0%	\$10.56	51.0%	N/A	\$50.00

Assumptions

- There is no reliable data available on sex offenders residing with children who are not the offenders' offspring. It is expected that these situations would be infrequent.
- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner LOS; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day. Additionally, reliable LOS data for county jails is not available.

Correctional Impact

It is estimated that there would be a minimal correctional impact from this Division, as situations it would address would be infrequent. Refer to the LSA memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

Minority Impact

It is estimated that the minority impact of this Bill would be minimal. In the last five years, convictions under Iowa Code section [726.6](#) have been predominately Caucasian males. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

Fiscal Impact

It is estimated that the fiscal impact of this Division would be minimal. The State's cost for one additional conviction of child endangerment would be:

- \$3,300 to \$6,600 for an aggravated misdemeanor.
- \$7,900 to \$12,100 for a Class D felony.
- \$9,000 to \$17,200 for a Class C felony.
- \$12,500 to \$29,600 for a Class B felony.

The minimum cost includes court time for a district associate judge or a district court judge, court reporter, court attendant, and clerk of court staff, plus the costs of probation supervision. The maximum cost includes court time and the costs of a jury trial, indigent defense, State prison, and parole supervision.

DIVISION IV: Lascivious Conduct with a Minor

Description

Division IV relates to the criminal offense of lascivious conduct with a minor. The Division expands the definition of lascivious conduct with a minor and classifies the conviction as either a serious or an aggravated misdemeanor, depending on the elements of the offense. A person who violates the provisions of the Division must register as a sex offender pursuant to Iowa Code chapter [692A](#).

Background

Division IV does not change the current offense of lascivious conduct with a minor as prescribed in Iowa Code section [709.14](#). The current offense is punishable as a serious misdemeanor.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner LOS; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- Fifty percent of dismissed or acquitted charges may become convictions under this Bill.

Impacts

Correctional Impact

The correctional impact of [HF 2401](#) is estimated to be minimal. In FY 2017, there were 14 convictions of lascivious conduct with a minor under Iowa Code section [709.14](#). In FY 2017, there were nine dismissed or acquitted charges of lascivious conduct with a minor. The Bill is expected to increase jail orders and probation orders by three orders annually.

Under the expanded definition of lascivious acts with a minor, the conviction is either a serious or an aggravated misdemeanor depending on the elements of the offense. **Table 4** below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of aggravated misdemeanors (sex offenses) and serious misdemeanors. Refer to the LSA memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

Table 4 – Estimates for Sentencing

Conviction Offense Class	Percent Sentenced to State Prison	FY 17 Avg. Length of Stay in Prison (months)	FY 17 Prison Marginal Cost/Day	Avg. Length of Stay on Parole (months)	FY 17 Marginal Cost/Day Parole	Percent Sentenced to Probation	Avg. Length of Stay on Probation (months)	FY 17 Avg. Cost/Day on Probation	Percent Sentenced to CBC Residential Facility	FY 17 Marginal CBC Cost/Day	Percent Sentenced to County Jail	Avg. Length of Stay in County Jail (Days)	Marginal Cost/ Day
Aggravated Misdemeanor (Sex Offense)	78.0%	15	\$17.52	3.9	\$4.93	46.0%	22.9	\$4.93	9.0%	\$10.56	26.0%	N/A	\$50.00
Serious Misdemeanor	2.0%	7.3	\$18.51	N/A	\$4.59	57.0%	13.8	\$4.93	1.0%	\$10.56	72.0%	N/A	\$50.00

Minority Impact

There is no minority impact expected under this Division. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact of this Division is estimated to be minimal. **Table 5** contains estimates for the average State cost per offense class type.

Table 5 – Average State Cost Per Offense Class Type

Offense Class	Total Minimum Cost	Total Maximum Cost
Aggravated Misdemeanor	\$3,300	\$6,600
Serious Misdemeanor	\$250	\$4,900

DIVISION V: Sex Offender Housing Workgroup

Description

This Division directs the DOC to lead a workgroup to study the issue of housing for the placement of aging sex offenders who qualify for release from the custody of the DOC or the DHS. The workgroup is required to meet to study this issue and submit a report with recommendations to the General Assembly by January 2019.

Fiscal Impact

Division V is not estimated to have a fiscal impact.

DIVISION VI: Sex Offender Treatment and Supervision Task Force

Description

Division VI directs the Criminal and Juvenile Justice Planning (CJJP) Division of the Department of Human Rights to establish a Sex Offender Treatment and Supervision Task Force and lists the task force members. A report with recommendations is to be filed with the General Assembly by July 1, 2019. Duties of the task force are:

- Study the effectiveness of electronic monitoring.
- Study risk assessment models created for sex offenders.
- Review the efforts of Iowa and other states in implementing treatment programs.
- Make recommendations on the best treatment options available for sex offenders.
- Develop a plan to integrate State government databases for updating addresses of persons on the sex offender registry.

Task force members will include members of the General Assembly selected by the Legislative Council and representatives from each of the following:

- Department of Transportation.
- Iowa Civil Liberties Union.
- Department of Human Services.
- Department of Public Safety.
- Iowa State Sheriffs' and Deputies' Association.
- Iowa County Attorneys Association.
- Department of Corrections.
- Board of Parole.

- Judicial Districts of the Department of Correctional Services.
- Department of Justice.
- State Public Defender.
- Iowa Coalition Against Sexual Assault.

Background

The CJJP currently staffs the existing Sex Offender Research Council (SORC) as created in Iowa Code section [216A.139](#).

Assumptions

Most, but not all, of the required members are already represented on the SORC.

Fiscal Impact

Division VI is estimated to have a minimal fiscal impact. There would be no fiscal impact to the CJJP if the SORC were utilized and additional identified members participated in those meetings. If an additional task force were created requiring CJJP staffing, the estimated cost to provide staff and administrative support would be \$50,000 for 0.5 full-time equivalent (FTE) position.

ALL DIVISIONS

Fiscal Impact — All Divisions

Table 6 outlines the estimated increased costs in [HF 2401](#).

Table 6

Estimated Impact of HF 2401					
	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
Division I – Department of Corrections	\$486,000	\$972,000	\$1,458,000	\$1,944,000	\$2,430,024
Division VI – CJJP Higher Estimate	50,000	0	0	0	0
Grand Total	<u>\$536,000</u>	<u>\$972,000</u>	<u>\$1,458,000</u>	<u>\$1,944,000</u>	<u>\$2,430,024</u>

Correctional Impact — All Divisions

The correctional impact of [HF 2401](#) is estimated to be minimal. Refer to the LSA memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

Minority Impact — All Divisions

There is no minority impact expected for [HF 2401](#). Refer to the LSA memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

Sources

Child Welfare Policy and Practice Group, [Initial Targeted Child Welfare Review](#)
 Department of Corrections
 Department of Human Rights, Criminal and Juvenile Justice Planning Division

Department of Human Services
Department of Public Safety
Judicial Branch, Office of the State Court Administrator
Office of the State Public Defender
[State v. Iowa District Court for Jones County](#), 909 N.W.2d 811 (2017).

/s/ Holly M. Lyons

March 13, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
